

Memorandum



Date: December 11, 2007

B&F
Agenda Item No. 3(C)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Amending Section 2-10.4.01 of the Miami-Dade County Code Relating to the Community Business Enterprise Program for Architectural, Landscape Architectural, Engineering, and Surveying and Mapping Professional Services

Recommendation

It is recommended that the Board of County Commissioners approve amendments to Section 2-10.4.01 of the Code of Miami-Dade County relating to the Community Business Enterprise (CBE) Program for Architectural, Landscape Architectural, Engineering, and Surveying and Mapping Professional Services (CBE-A/E). The amendments will 1) consolidate the Schedule of Participation (SOP) and Letter of Intent (LOI) replacing both with a Letter of Agreement, 2) allow proposers to cure defects on the Letter of Agreement within forty-eight (48) hours upon notification by Small Business Affairs/Department of Procurement Management (SBA/DPM), and 3) increase the size limits for first and second tier CBE-A/Es.

Scope

The impact of this ordinance is countywide.

Fiscal Impact/Funding Source

There is no fiscal impact to the County.

Track Record/Monitor

SBA/DPM is responsible for implementing and monitoring the CBE-A/E Program.

Background

On June 5, 2001, the Board adopted Section 2-10.4.01 of the Miami-Dade County Code which established the CBE-A/E Program. The CBE-A/E program applies to Architectural, Engineering, Landscape Architectural, and Surveying and Mapping Professional Services, including a Design-Build firm. The CBE-A/E objective states that not less than ten percent of the County's total annual expenditures for the aforementioned professional services are expended with certified CBE-A/Es, for project specific and multiple project contracts.


Currently, when a CBE-A/E measure is applied to a contract, proposal documents require proposers to submit a completed SOP at proposal submission, indicating sub-consultants, the scope of work each will perform, the CBE-A/E certified technical categories of such work, and the applicable percentage. Proposers are also required to include a LOI by 4:00 p.m. on the second business day following proposal submission, indicating agreement between the proposer and its sub-consultants. A proposal may be rejected as not in compliance or non-responsive if a form is omitted or a defective form submitted.

Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners
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This requirement does not allow a remedy for compliance-related defects. In order to reduce the number of non-compliant/non-responsive proposals and reduce the time needed for a determination of compliance, it is proposed that the SOP and LOI be consolidated, creating a Letter of Agreement. SBA/DPM would notify proposers of defects on the Letter of Agreement and allow up to forty-eight (48) hours after notification by SBA/DPM to cure defects. This practice will decrease the number of proposals deemed ineligible for award due to compliance and responsive issues.

As a result of the implementation of Section 2-10.4.01 of the Miami-Dade County Code, the established size limit for all CBE-A/Es was \$2,000,000 based on three year average annual gross revenues. Subsequently, on June 8, 2004, the Board adopted an amendment that created a two-tiered CBE-A/E Program. The size limits, based on three year average annual gross revenues currently are \$2,000,000 for first tier CBE-A/Es, \$4,000,000 for second tier CBE-A/Es for architectural, engineering, and surveying and mapping services, and \$6,000,000 for second tier CBE-A/Es for landscape architectural services.

The current size limit for landscape architectural services is larger than the size limit for architectural, engineering, and surveying and mapping services. In order to achieve equity within the CBE-A/E program, it is proposed that the size limits for architectural, engineering, and surveying and mapping services be increased to \$3,000,000 for first tier CBE-A/Es and \$6,000,000 for second tier CBE-A/Es. The proposed amendment maintains the scope and integrity of the CBE-A/E Program, increases the threshold to correlate the professional categories of architectural, engineering, and surveying and mapping services with landscape architectural services, and is consistent with its stated intent.



Susanne M. Torriente
Assistant County Manager

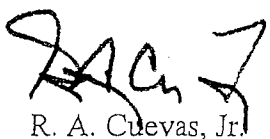


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 2, 2007

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4(K)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public
hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's
report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(K)

10-02-07

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-10.4.01 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO THE COMMUNITY BUSINESS ENTERPRISE PROGRAM FOR ARCHITECTURAL, LANDSCAPE ARCHITECTURAL, ENGINEERING, AND SURVEYING AND MAPPING PROFESSIONAL SERVICES (CBE-A/E); CONSOLIDATING THE SCHEDULE OF PARTICIPATION AND LETTER OF INTENT; REPLACING BOTH WITH A LETTER OF AGREEMENT, ALLOWING PROPOSERS TO CURE DEFECTS ON THE LETTER OF AGREEMENT WITHIN FORTY-EIGHT HOURS OF NOTIFICATION, AND INCREASING THE SIZE LIMITS FOR FIRST AND SECOND TIER CBE-A/E'S; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-10.4.01 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-10.4.01. Community Business Enterprise Program for Architectural, Landscape Architectural, Engineering, and Surveying and Mapping Services.

* * *

(2) Definitions

* * *

- G. *Community Business Enterprise (CBE-A/E)* means a firm providing architectural, landscape architectural, engineering, or surveying and mapping professional services, including a design-build firm, which has an actual place of business in Miami-Dade County and whose three (3) year average annual gross revenues do not exceed ~~[[two million (\$2,000,000)]]~~ >>three million (\$3,000,000) dollars<< for first tier CBE-A/Es, ~~[[four million (\$4,000,000)]]~~ >>and six million (\$6,000,000)<< dollars for second tier CBE-A/Es in the case of architectural, >>landscape architectural<<, engineering, or surveying and mapping services. ~~[[or six million (\$6,000,000) dollars for second tier CBE-A/Es in the case of landscape architectural services.]]~~ A CBE-A/E will graduate out of the program once it has exceeded the second tier CBE-A/E size limits based on its three-year average annual gross revenues. As part of the certification process, CBE-A/Es must go through a technical certification process, will be used to determine which of the technical certification categories the CBE-A/E will be placed in. A firm's eligibility to participate in the CBE-A/E program shall be determined based on the cumulative adjusted gross revenues of the applicant firm in combination with that of all of the firm's affiliates as provided in Appendix A. Representations as to gross revenues shall be subject to audit.

* * *

(3) Program Components:

* * *

- B. Miami-Dade County Community Business Enterprise (CBE-A/E) Program for Architectural, Landscape Architectural, Engineering, and Surveying and Mapping Professional Services.

* * *

2. Subconsultant goals: The County Commission, or Public Health Trust may establish subconsultant goals to be applied to a particular agreement based on estimates made prior to proposal advertisement of the quality, quantity and type of subconsulting opportunities provided by the agreement, and of the availability of CBE-A/Es to afford effective subconsulting competition therefor. After proposal advertisement, or other formal public notice, the established subconsultant goal may be reduced only with the approval of the County Commission or Public Health Trust.

~~[[Proposal documents shall require proposers to submit a Schedule of Participation form, or equivalent, at the time of proposal submission identifying all first and second tier CBE-A/Es to be utilized to meet the subconsultant goal, the scope of work each will perform, and the percentage of such work.]]~~
>>Proposal documents shall require proposers to submit a Letter of Agreement, or equivalent, for each subconsultant to be utilized in satisfaction of a subconsultant goal. The Letter of Agreement, or equivalent, shall be signed by the prime and the subconsultant and shall at a minimum state the type of work that the subconsultant will perform, the technical certification category, and the percentage that the amount of the fees payable to the subconsultant bears to the overall fees payable under the contract.<< Failure to submit the required ~~[[Schedule of Participation]]~~ >>Letter of Agreement<< form, or equivalent, at the time of proposal submission shall render the proposal non-responsive. ~~[[A Letter of Intent form shall also be required by proposers, no later than two (2) business days after proposal submission due date confirming the information on the schedule of participation through signed documents from the CBE-A/E involved. Submission of a defective Schedule of Participation and/or Letter of Intent form, or equivalent, shall render the proposal voidable.]]~~

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>>Proposers may cure immaterial irregularities in the Letter of Agreement submitted not later than forty eight (48) hours following written notification by the Department of Business Development. Immaterial irregularities shall be those items which do not, in the County's sole discretion, bear on the County's assurances that the stated measure will be met. Immaterial irregularities include those correctable items specifically identified in the form approved by the Director of Business Development for purposes of verifying compliance. Failure of a proposer to cure the immaterial irregularities within the stated period following notification may result in disqualification of the proposer for contract award.<<

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

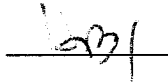
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney
as to form and legal sufficiency.



Prepared by:



Hugo Benitez